

REMARKS

The Examiner's communication of January 8, 2008 has been given careful consideration. After such consideration, and in an earnest effort to complete the prosecution of this application, the Applicant has amended claim 2 so as to be properly set forth as an independent claim.

In view of the amendments made to claim 2, and the comments made by the Examiner in his communication, it is found that claims 2-7 and 9-14 are allowed. This leaves for consideration, only claims 1, 8 and 15-20.

Claims 1, 15 and 16 are each independent claims and claim 1 is representative. This is discussed below.

Claim 1, an apparatus claim, is directed to the embodiment of the invention as specifically illustrated in Fig. 2. The Examiner will note that splitter 30 receives an analog signal from the FM source and supplies a remainder portion thereof to a main FM transmitter 10 and a fractional portion 34 by way of a phase adjuster 26 to a summer 40 where the fractional portion signal is summed with a digital signal obtained from the IBOC source 16. Thus, the summer 40 sums a

digital signal from IBOC source 16 with a remainder portion 34 of the FM signal obtained from the FM source 14. This becomes what is referred to in the application and claims herein as a first combined signal.

In rejecting claims 1, 8 and 15, the Examiner has stated that the prior art as shown in Applicant's Fig. 1, discloses "a digital transmitter 12 is used to provide an amplified combined signal". This statement by the Examiner is not correct. The amplifier 12 in Fig. 1 (prior art) amplifies only a digital signal within the IBOC source 16. There is no suggestion in the prior art that the digital amplifier may be employed for amplifying both an analog signal obtained from the FM source, as well as a digital signal obtained from a digital source. This is not taught by the prior art referred to in Fig. 1 of the instant application. Consequently, Applicant's claim 1 is clearly in condition for allowance over the teachings of this prior art.

The Examiner will note that claim 8 includes the same limitations as noted above and specifically that the claim

additionally requires that the digital signal be an IBOC signal.

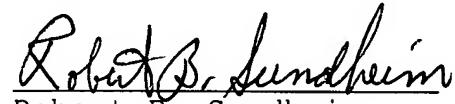
Claim 15 is an independent claim, and it is similar to claim 1 discussed above. Specifically, the Examiner will note that claim 15 specifically requires that the digital transmitter amplify the first combined signal (that is the signal obtained by combining a signal from the FM source with that of the digital source in the manner as described previously with respect to claim 1).

The Examiner will note that claim 16 is a method claim but it is drafted in a manner similar to that of apparatus claims 1 and 15 and specifically the claim includes the limitation of amplifying the first combined signal to provide an amplified combined signal. Thus, the claim, when read in light of Fig. 2, requires that an analog signal similar to that obtained at 34 from the source 14, together with a digital signal obtained from the source 16, be amplified by the digital transmitter 12.

In view of the foregoing, it is submitted that this application is now in condition for allowance with claims 1-20.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


Robert B. Sundheim
Reg. No. 20,127

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO, LLP
(216) 621-2234
(216) 621-4072 (Facsimile

Customer No. 26294